

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IOWA CENTRAL COMMUNITY COLLEGE,
Complainant,

and

IOWA CENTRAL COMMUNITY COLLEGE
EDUCATION ASSOCIATION,
Respondent.

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CASE NO. 6080

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PUBLIC EMPLOYMENT
RELATIONS BOARD

FILED

PROPOSED REMEDIAL ORDER

Pursuant to an order entered herein on April 24, 2000, a hearing concerning the specifics of an appropriate remedy for the prohibited practice found to have been committed by the Iowa Central Community College Education Association was conducted before me on May 17, 2000. Both parties participated by telephone conference call, Robert D. Overman for the Iowa Central Community College and William R. Unger for the Association.

At hearing the parties agreed to the general provisions of a remedy. The parties' agreement meets the minimum requirements specified in the April 24 order but does not provide for the setting aside of any portion of the arbitration award involved, the parties having resolved the issue of compensation for teaching internet courses during their negotiations for a 2000-2001 agreement and the College indicating its wish not to re-arbitrate that issue for retroactive application. The agreed remedy, as clarified by the addition of logistical specifics below, is viewed by the administrative law judge as appropriate under the circumstances. I consequently approve the parties' agreement and propose entry of the following:

ORDER

To remedy the prohibited practice found to have been committed, the Iowa Central Community College Education Association shall cease and desist from any continuing or further violations of the Public Employment Relations Act.

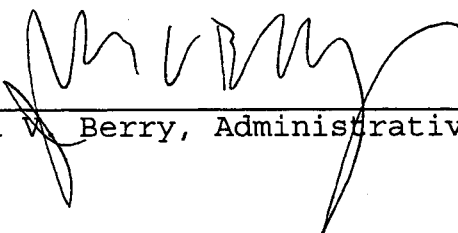
In order to provide notice of the Association's violation and of the remedy ordered to members of the Association-represented bargaining unit, many of whom will not regularly be upon the College's premises until the commencement of the new academic year, the Association shall mail a copy of the attached Notice to Employees to each bargaining unit employee. To ensure the completeness of this mailing the College shall, as soon as is practicable, provide the Association with an alphabetical list of the names and home addresses of all employees in the affected unit. Within 10 days of its receipt of such list the Association shall mail a true copy of the attached Notice to Employees to each such employee by first-class mail. All postage, copying and other expenses associated with such mailing shall be borne by the Association. Nothing other than or in addition to the attached Notice shall be included in such mailing.

The Association shall promptly thereafter file with the Board and serve upon the College a sworn certification indicating the date upon which the ordered mailing was completed as prescribed herein. Any mailed Notices returned to the Association as undeliverable by the U.S. Postal Service shall be forwarded to the College so that it may amend or correct its employee records and provide the particular employee with a copy

of the attached Notice by alternative means, if it chooses to do so.

This proposed remedial order constitutes the administrative law judge's final action in the above-captioned matter and will become the final decision of the agency unless appealed to the Board or reviewed on the Board's own motion pursuant to Iowa Code section 17A.15(3) and PERB rule 621-9.1.

DATED at Des Moines, Iowa, this 18th day of May, 2000.



Jan W. Berry, Administrative Law Judge

File original

Mail copies to:

Robert D. Overman
Fourth Floor, 200 W. Douglas
Wichita, KS 67202-3084

William R. Unger
777 Third Street
Des Moines, IA 50309-1301

NOTICE TO CERTAIN EMPLOYEES OF IOWA CENTRAL COMMUNITY COLLEGE

ISSUED PURSUANT TO A DECISION OF THE PUBLIC EMPLOYMENT RELATIONS BOARD

An administrative law judge of the Iowa Public Employment Relations Board (PERB) has determined that the Iowa Central Community College Education Association has violated PERB subrule 7.5(4) and committed prohibited practices within the meaning of Iowa Code sections 20.10(1) and 20.10(3)(c) and (d). The violations occurred in August, 1999, during impasse-resolution procedures for a 1999-2000 collective bargaining agreement, when the Association submitted a final offer for arbitration which included offers concerning insurance, overload pay and compensation for employees teaching internet courses which had not been made to the Iowa Central Community College during the course of the parties' earlier negotiations.

The sections of the Iowa Public Employment Relations Act found to have been violated provide:

20.10 Prohibited practices.

1. It shall be a prohibited practice for any public employer, public employee or employee organization to willfully refuse to negotiate in good faith with respect to the scope of negotiations as defined in section 20.9.

3. It shall be a prohibited practice for public employees or an employee organization or for any person, union or organization or their agents willfully to:

c. Refuse to bargain collectively with a public employer as required by this chapter.

d. Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this chapter.

To remedy its violations, the Association has been ordered to cease and desist from any continuing or further violations of the Act and to mail, at its expense, a true copy of this Notice to each employee in the Association-represented bargaining unit. The ordered remedy does not include setting aside that portion of

the 1999-2000 arbitration award which adopted the Association's illegal final offer on compensation for internet courses, the parties having resolved that issue during their negotiations for a 2000-2001 agreement and the College having indicated its wish not to re-arbitrate the issue for retroactive application.

Any questions concerning this Notice or the Association's compliance with its provisions may be directed to the Public Employment Relations Board at 515/281-4414.

Issued May 18, 2000.